

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**Darrell Hampton,**

*Plaintiff,*

**v.**

**Case No. 3:04-cv-453  
Judge Thomas M. Rose**

**United States of America,**

*Defendant.*

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**ENTRY AND ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION  
TO DISMISS/MOTION FOR SUMMARY JUDGMENT. DOC. 13.**

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Pending before the Court is Defendant's Motion to Dismiss/Motion for Summary Judgment. Doc. 13. This motion is unopposed. Plaintiff's complaint asserts that employees of the United States Department of Veterans Affairs discriminated against him on the basis of race in violation of Ohio Revised Code § 4112.02(G) and 42 U.S.C. § 2000a, retaliated against him for his opposition to racial discrimination, in violation of Ohio Revised Code § 4112.02 (I), and (J), and denied him access to the Veterans Affairs facilities in violation of Title II of the Civil Rights Act of 1964, §§ 201(a) - 203, which is codified at 42 U.S.C.A. §§ 2000a (a) - 2000a(c). The United States has moved the Court to either dismiss the case for failure to exhaust administrative remedies or grant summary judgment on the basis of sovereign immunity. Because both of these bases are well-founded, the motion will be granted. As the motion prays that the claims be dismissed, that is the relief that will be granted. Because the time for filing an administrative action to remedy Plaintiff's asserted injuries has passed, the dismissal will be with prejudice.

Wherefore, Defendant's Motion to Dismiss/Motion for Summary Judgment, Doc. 13, is **GRANTED**. The Clerk is ordered to dismiss all claims against Defendant with prejudice. The instant action is further ordered terminated from the dockets of the United States District Court, Western Division at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio, this Friday, December 29, 2006.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE